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EXAMINER				
AFOLAB, MARK O				
ART UNIT		PAPER NUMBER		
2454				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/540,532

Applicant(s)

TINDALL, PAUL GEOFFREY

Examiner

MARK O. AFOLABI

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is considered fully responsive to the amendment filed on August 04, 2009 for the patent application 10/540,532 filed 05/10/2003. The amendment presented on August 04, 2009, which provides amendment to claims 7 and 13 is hereby noted, furthermore, claim 5 have been cancelled and claims 1-4 and 6-14 remain pending and have been examined.

Continued Examination under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 04, 2009 has been entered.

Claim Objections

3. Claims 1, 7 and 13 are objected to because of the following informalities:

- All the above claims include the term "if" without reciting what would happen in the other case. As such, it is reasonable to state that nothing happens in the else case. If this is the case, then limitations in the 'if' case would not need to be taught since the prior art could teach the other case of nothing happening. Appropriate correction is required.

Claim Rejections - 35 USC S 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of **Lefeber** et al. (US 2002/0046299) (**Lefeber** hereafter) and **Emens** et. al (US 6,493,744) (**Emens** hereafter)

Regarding claim 1, a method of filtering text messages, the method comprising the steps of:

a) inputting a rule set [user limit values] into the telecommunications device by downloading the rules set from a network operator;
b) reading an incoming message;
c) modifying the message if that message breaks a rule of the rule set; and
d) displaying the modified message

wherein the rule comprises a plurality of rules, each of which relates to a respective predetermined message content.

Lefebber teaches a method of filtering text messages (e.g., internal server 112b filters the data to search for events of interest, 0057) **received by** a mobile telecommunications device (e.g., Fig. 4-item 405, Lefebber), **downloading the rules set** (e.g., a user could download various types of information from the network to his mobile device...the user could ...download information pertaining to alert and priority rules that have been set with the network, [0082-0083], Lefebber) from a network operator (e.g., central network, 0032). **Lefebber also teaches** reading an incoming message ([e.g., 0074]), wherein when the rule set comprises a plurality of rules, each of which relates to a respective predetermined message (e.g., [0040 and 0060]).

Lefebber does not explicitly teach modifying the message if that message breaks a rule of the rule set and displaying the modified message.

However, Emens teaches modifying the message if that message breaks a rule of the rule set (e.g., Fig. 2B); and displaying the modified message (e.g., Fig. 2B-item 36).

It would have been obvious to one of ordinary skill in the art at the time invention was made, given the suggestions of Lefebber and Emens to filter text messages received by a mobile telecommunications device, inputting a rule set into the telecommunications device by downloading the rules set from a network operator by reading an incoming

message, modifying the message if that message breaks a rule of the rule set and displaying the modified message.

One would be motivated to utilize a mobile phone or other user interfaces which are capable of function activation, such as keypad, voice activation, joysticks, touch screens, dial shuttles as input means in any mobile communication with a display.

Regarding claim 2, wherein the message is a text message (e.g., Figs. 2A - 2C, Emens).

Regarding claim 3, wherein step b) includes the step of parsing the incoming test message (e.g., Fig. 3, Emens).

Regarding claim 4, wherein step c) is such as to delete the predetermined text content, or to replace the letters of the predetermined text content (e.g., Fig. 2C, Emens) with meaningless characters (e.g., col. 4, lines 4-7 and col. 5, lines 55-58, Emens).

Regarding claim 5, wherein step

a) is carried out by downloading the rule set from a network operator [network] (e.g., the user could ...download information pertaining to alert and priority rules that have been set with the network, 0083, Lefeber).

Regarding claim 6, comprises substantially the same limitations as those address in claim 1. Therefore, the same rationale of rejection is applicable.

Regarding claim 7, a telecommunications device comprising a transceiver configured to download a rule set from a network operator for input into the telecommunications device (e.g., user could define a series of priority rules whereby signals are always sent to his cell phone 205c, [0048], Lefebvre), a processor and a display, the processor including software, means [e.g., Fig. 3-item 336 and 0059, Lefebvre] for inputting a rule set into the software from a network operator, means (e.g., Fig. 4C-item 110, Emens) for reading an incoming message [0074, Lefebvre], means (e.g., Fig. 4B-item 100, Emens) for modifying the message if that message breaks a rule of the rule set (e.g., Fig. 4B-item 104, Emens) whereby a modified message is displayed (e.g., Fig. 2B-item 36), wherein the rule set comprises a plurality of rules, each of which relates to a respective predetermined message content (e.g., Fig. 2C, Emens and 0040, Lefebvre).

Regarding claim 8, wherein the software (e.g., Recreation Software Advisory Council (RSAC), Emens) is such that a user (e.g. parent) of the device can modify the rule set (e.g., col. 7, lines 1-13, Emens).

Regarding claim 9, further comprising data input means linked to the processor for modifying the rule set (e.g., col. 9, lines 35-43, Emens).

Regarding claim 10, wherein a keypad constitutes the data input means [e.g., 0008, Lefebvre].

Regarding claim 11, wherein, when the message is a text message (e.g., Fig. 3-item 58, Emens), the software is such as to parse (e.g., Fig. 3-item 60, Emens) the incoming text message (e.g., Fig. 2A, Emens).

Regarding claim 12, comprises substantially the same limitations as those address in claim 4. Therefore, the same rationale of rejection is applicable.

Regarding claim 13, a mobile telecommunications device comprising:

a transceiver configured to download a rule set from a network operator for input into the telecommunications device (e.g., user could define a series of priority rules whereby signals are always sent to his cell phone 205c, [0048], Lefeber), a processor and a display (e.g., Fig. 4A-item 84, Emens), the processor including software containing a rule set means (e.g., Fig. 3-item 336 and 0059, Lefeber) means (e.g., Fig. 4A-item 82, Emens) for modifying the rule set, to accommodate the needs of a user, on input of a modification of the rule set by that user, means (e.g., Fig. 4A-item 84, Emens) for reading an incoming message, means (e.g., Fig. 4A-item 76, Emens) for modifying the message if that message breaks a rule of the rule set whereby a modified message is displayed, wherein the rule set comprises a plurality of rules, each of which relates to a respective predetermined message content (e.g., Fig. 2C, Emens and 0040, Lefeber).

7. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable in view of **Lefeber** (US 2002/0046299) and **Emens** (US 6,493,744) in further view of **Leber et al.** (US 2003/0182391)

Regarding claim 14,

Lefeber and Emen teach all the limitation of claim 1 and 3 such as,

Lefeber also teaches reading an incoming message (e.g., 0074)), wherein when the rule set comprises a plurality of rules, each of which relates to a respective predetermined message (e.g., [0040 and 0060]) and **Emens teaches** modifying the message if that message breaks a rule of the rule set (e.g., Fig. 2B); and displaying the modified message (e.g., Fig. 2B-item 36).

Lefeber and Emens does not explicitly teach searching for a word in a given list of words.

However, Leber teaches searching for a word in a given list of words (e.g., the word "jump" is identified by Thesaurus module **340**, or Spellchecker module **345**, or Dictionary **350** as the word to be search for in local database, [0157]).

It would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combined teachings of **Lefeber** and **Emens** to filter text messages received by a mobile telecommunications device with the teachings of **Leber**, it would have yielded predictable results and resulted in an improved system, namely by allowing the user of a device to send natural language queries for retrieving information from a database system or in a sentence to facilitate speed in retrieving information, [0027], Leber.

Response to Arguments

8. Applicant's arguments filed on 04 August 2009, with respect to claims 1-4 and 6-14 have been fully considered but not found persuasive for the following reasons:

9. **Rejection Based upon 35 U.S.C 103 (a):**

Argument 1

Applicant argues that "In contrast, Lefeber discloses downloading information from a network to a mobile device to be used in conjunction with already installed applications (paragraph [0083]). The two examples of downloadable information are (1) appointment information for a date book application on the device, and (2) information pertaining to alert and priority rules that display alerts at the device (such as special rings) when certain signals are received. Lefeber does not describe or suggest downloading, from a network to a device, a rule set relating to predetermined message content, as required by claims 1, 7 and 13".

Applicant argues that Lefeber does not teach "downloading, from a network to a device, a rule set relating to predetermined message content". Examiner respectfully disagrees with the following assertion.

- Lefeber teaches, 'downloading, from a network to a device' (e.g., a user could download various types of information from the network to his mobile device, [0082-0083], 'a rule set relating to predetermined message content' (e.g., the user of device **405** has programmed the database with several phone numbers (belonging to the network **401**) and messages (in place of names), such as shown in Table 1 below, [0060-0061], Lefeber).

TABLE 1	
Phone Number	Message

(202) 555-0001	Stock Alert
(202) 555-0002	PDA Alert
(202) 555-0003	E-Commerce Alert
(202) 555-0004	Airline Flight Delay Alert

From Table 1 above, one of ordinary skill in the art will know that a plurality of rules, which is based on rule set relating to predetermined message content (i.e., messages) are pre-programmed in the database as indicated in Lefeber, [0060-0061], thereby alerting the user of the device (after determining the appropriate rules) on different messages in column two above. Hence, the rejection is maintained.

Argument 2

Applicant also argues that "Lefeber also describes receiving an SMS signal, interpreting the text message, and displaying the alert text (paragraph [0074]). However, Lefeber does not describe or suggest that the downloaded information (described at paragraph [0083]) may be used, in any way, for interpreting the text message of an SMS, let alone including a rule set relating to a predetermined message content, as required by claims 1, 7, and 13".

Applicant argues that Lefeber does not teach **"...for interpreting the text message of an SMS**, let alone including a rule set relating to a predetermined message content, ". Examiner respectfully disagrees with the following assertion.

In response to the argument, the bold face font's limitation is not recited in the rejected claim(s). Applicant is reminded that the specification is not the measure of the invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art; see In re Sprock, 55 CCPA 743, 386 F.2d 924, 155

USPQ 687 (1968). Although claims are read in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner is required to examine claims in light of the specification and give the claims the broadest reasonable interpretation and but should not import limitations from the specification. In regards to "a rule set relating to a predetermined message content", these arguments are essentially the same as those rejections in "argument 1" above, they are not persuasive based on the same reasoning. Accordingly, the rejections of claims 1-4 and 6-14 stand.

Claim Interpretation

10. Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)".

The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

EXAMINER'S NOTE

11. Examiner has cited particular columns and line numbers or paragraph numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK O. AFOLABI whose telephone number is (571) 270-5627. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NATHAN FLYNN can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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